

California Regional Water Quality Control Board
Santa Ana Region

December 20, 2004

ITEM: 22

SUBJECT: Status of Efforts to Require Suspected Dischargers to Investigate
Perchlorate Pollution in the Rialto, Colton and Chino Groundwater
Subbasins

DISCUSSION:

In the Staff Report for the September 17, 2004 Board meeting, Board staff reported that, pursuant to Section 13267 of the California Water Code, the Executive Officer had issued a total of twenty-two Investigation Orders to suspected dischargers and property owners and, pursuant to Section 13304 of the California Water Code, the Board issued two Cleanup and Abatement Orders to four dischargers and property owners.

Identified below is a summary of activities that have occurred since the last Board meeting:

Pyro Spectaculars, Inc. (Pyro), Whittaker Corporation (Whittaker) and Thomas O. Peters/Thomas O. Peters Revocable Trust (Peters) - Cleanup and Abatement Order (CAO) No. R8-2004-0042

On November 2 and November 3, 2004, Whittaker and Pyro, respectively, each submitted an investigation report regarding additional soil investigations that were conducted at their respective areas at this 5-acre property. Whittaker detected perchlorate up to 3.32 mg/kg in shallow soil (less than 5 feet) and is proposing to conduct additional investigations to collect deeper samples. Pyro detected perchlorate at concentrations as high 6.56 mg/kg in the deepest samples (45 feet) taken at the site. Board staff is preparing responses to these reports.

Pyro Spectaculars, Inc. (Pyro)

A separate work plan (not subject to the CAO) submitted by Pyro for the investigation of its former burn pit site (not located on the 5-acre property) was conditionally approved by the Executive Officer on April 8, 2004. The work plan was not implemented, and in a letter dated September 2, the Board's Assistant Executive Officer directed Pyro to implement the work plan and submit a report on the results of the investigation by November 2. In a letter dated October 15, Pyro requested an extension to February 2, 2005. At that time, Pyro had not initiated the investigation. The Board's Assistant Executive Officer denied this request on November 10. Pyro has now initiated the investigation. In a status report submitted on December 1, Pyro stated that the report is expected to be submitted by January 21, 2005.

County of San Bernardino - CAO No. R8-2003-0013

Pursuant to a directive from the Executive Officer, the County of San Bernardino submitted a conceptual water supply contingency plan for Rialto Well No. 3 on July 26, 2004. Also, the Regional Board adopted an amendment to the CAO at its September 17, 2004 meeting to require the County to provide replacement water for Rialto Well No. 3. In September, the County submitted a Draft Interim Remedial Investigation/Feasibility Study (RI/FS) and Draft Interim Remedial Action Plan (RAP) to address providing replacement water for Rialto Well No. 3, and solicited public comments on the remedial action alternatives. The public comment period ended on November 17. The County will be providing responses to the public comments and will prepare a Final Interim RI/FS and Final Interim RAP for submittal to Board staff. The amendment to the CAO requires the County to complete its project to provide replacement water for Rialto Well No. 3 by April 1, 2005. The Draft Interim RI/FS also served as the final report for the County's most recent phase of their groundwater investigation (required by the CAO), which was due by September 13, 2004. Board staff is currently finalizing comments on the report.

Goodrich Corporation

Goodrich has completed four monitoring wells at its former B.F. Goodrich facility, under the direction of US EPA. The upgradient monitoring well was non-detect for perchlorate and TCE, and perchlorate and TCE were detected in the three down gradient monitoring wells at concentrations as high as 290 ppb and 54 ppb, respectively. A report on the results of the ground water investigation is expected to be available by February 2005.

Kwikset Corporation/Emhart Industries, Inc./Black & Decker (former West Coast Loading Corporation)

Pursuant to a 13267 Investigation Order, a work plan for a perchlorate investigation at the former West Coast Loading Corporation (WCLC) facility was due from Emhart Industries, Inc. on November 22, 2002. Emhart/Black & Decker submitted a Petition for Stay and for State Board Review of the 13267 Order. The State Board dismissed the Stay request on December 18, 2002. The State Board dismissed the Petition for Review on July 7, 2003.

On August 6, 2003, Emhart filed a Petition for Writ of Mandate in the State Superior Court, Riverside County, seeking an order to invalidate the Executive Officer's 13267 Investigation Order. On November 8, the Court granted Emhart's request for a Writ of Mandate, thereby invalidating the Investigation Order. Board staff is currently evaluating various options to pursue.

Lockheed Martin Corporation (Grand Central Rocket Facility)

On September 3, 2004, the Executive Officer issued an Investigation Order to Lockheed requiring submittal of information on Grand Central Rocket's historical operations. Grand Central Rocket previously leased five bunkers in the Rialto area. In a letter dated October 11, 2004, Lockheed requested an extension of the October 15 deadline in the Order. In a letter dated October 27, the Executive Officer denied the request. On November 4, Lockheed submitted documents in response to the Investigation Order. The documents show that Grand Central Rocket stored as much as 60,000 pounds of perchlorate in the bunkers at one time. However, most of the area where these former bunkers were located is now covered by as much as 60 feet of soil that is being processed by a sand and gravel operation. Board staff will be meeting with Lockheed to discuss options for future investigation of this area.

Wong Chung Ming Property

Mr. Wong is the owner of the northern 62-acres of the 160-acre property that was formerly occupied by West Coast Loading Corporation, Goodrich and several fireworks companies, and is currently leased to two fireworks companies. Pursuant to a 13267 Investigation Order, Mr. Wong was required to investigate the presence of perchlorate on portions of his property that were not being investigated by current or former tenants. Mr. Wong submitted an investigation report that included analytical results of soil samples obtained from eleven trenches that were excavated at various areas of concern at the site. Perchlorate was not detected in any of the soil samples. In a letter dated October 28, 2004, the Executive Officer informed Mr. Wong that no additional soil investigation was necessary, and that any future need for groundwater investigation or remediation would be determined based on the results of additional investigations being conducted on the property by other parties.

Zambelli Fireworks Internationale

Zambelli formerly leased approximately one acre of land that included a former military munitions bunker in which Zambelli formerly stored fireworks and equipment. Pursuant to a 13267 Investigation Order, Zambelli was required to investigate whether past activities at their site resulted in the discharge of perchlorate. Zambelli submitted an investigation report that included analytical results of soil samples obtained from nine trenches that were excavated at the site. Perchlorate was not detected in any of the soil samples. In a letter dated October 28, 2004, the Executive Officer informed Zambelli that no additional soil investigation was necessary, and that any future need for groundwater investigation or remediation would be determined based on the results of additional investigations being conducted in the area by other parties.

At the December 20, 2004 Board meeting, staff will provide information on any further developments, and will continue to update the Board at future meetings on the progress of the perchlorate investigation efforts.